



June 14, 2012

File No.: 01-773180-000

Mr. Dan Opalski
Director, Office of Environmental Clean-up
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900 (ECL-117)
Seattle, WA 98101-3140

VIA ELECTRONIC MAIL ONLY

Subject: Upper Columbia River Remedial Investigation Feasibility Study -2012 Field Season

Dear Mr.Opalski:

As you know, in March 2011 Teck American Incorporated (TAI) submitted a draft Quality Assurance Project Plan (QAPP) to conduct additional sediment toxicity testing within the Upper Columbia River site. Under the June 2, 2006 Settlement Agreement (Agreement), EPA's approval of the QAPP is required before field activities can commence. As identified within the QAPP over a year ago, it was expected that field activities would have begun in September 2011, following the Labor Day long weekend.

As of the date of this letter, the U.S. Environmental Protection Agency (EPA) has been reviewing the draft document for over 450 days, and has yet to provide TAI with comments. Rather, feedback has been limited to the following:

1. A request for additional information on the proposed bioassay laboratory (Pacific EcoRisk) made on the 12th of March 2012 (362 days following submittal of the draft QAPP); and
2. EPA proposed alternative sediment sampling locations as received on April 30, 2012 (411 days following submittal of the draft QAPP).

We have responded to both requests in subsequent communications.

Relative to Item No. 2 above, we concur with the EPA that the “*placement of samples is a central issue to the QAPP*”. As a result and per EPA’s request, TAI conducted a careful evaluation of EPA’s suggested alternate locations. As detailed in our June 11, 2012 correspondence, the proposed alternative sediment sampling locations were inappropriate to address data quality objectives, and contrary to the goals specified by EPA in its February 2010 Sediment Toxicity Level of Effort memorandum. To summarize:

- Spatial distribution and characteristics of sediment sampling locations proposed by EPA for Phase 2 sampling efforts create spatial data gaps, fail to ensure that sufficient data are collected to address data quality objectives, and do not meet the requirements identified within the Level-of-Effort (USEPA, 2010). For example, the absence of bioassay stations in all sediment groups (e.g., Group 7) would hinder development of a concentration-response relationship.
- “Focus areas” currently outlined by EPA are not only inconsistent with those developed for Phase 1 efforts; but their purpose also appears inconsistent with the rationale developed and presented in 2004 (USEPA, 2004). No data were presented to help explain the rationale for increasing the number (from six to eight) and acreage of “focus areas”. In addition, no statistical support was provided to document and support the purported claim that “the focus area approach will provide a sense of the small scale sediment variability in representative reaches”. Furthermore for this to be the objective, sampling locations would need to be randomly selected within a “focus area”, and this was not the case.
- EPA proposed tributary reference locations do meet criterion used to evaluate the suitability of an external reference location as an aquatic reference area (USEPA, 1994). For example, EPA’s proposed tributary reference locations are very dissimilar in water depth and flow, sediment grain size, and sediment total organic carbon (TOC) content.

Consistent with the terms and conditions of the June 2, 2006 Settlement Agreement (Agreement) and EPA Guidance, TAI has and will continue to use sound science based on principles of risk-based analysis to complete the Remedial Investigation/Feasibility Study (RI/FS). We believe that EPA, the Trustees, the public and our shareholders all are entitled to count on solid science for this important work.

Furthermore, consistent with other sampling efforts completed for the RI/FS, upon reaching technical agreement on the geographic coordinates for this sediment sampling, EPA must coordinate and consult with Federal, State, and Tribal parties per Section 106 of the National Historic Preservation Act. These parties include: the State Historic Preservation Officer, the Tribal Historic Preservation Officers (both for the Spokane Tribe of Indians and the Confederated Tribes of the Colville Reservation), and the U.S. Department of Interior archeology contact.

To the best of our knowledge, these coordination activities have not been initiated by EPA. This jeopardizes the 2012 field sampling season. For instance, the Cultural Resources Working Group for the RI/FS may require up to 90 days to complete its review of the proposed sampling locations. Assuming a full 90 days is required, cultural approval would be received no earlier than September 10, 2012. As a result, EPA approval of the QAPP must follow this date. Upon receiving EPA's approval of the QAPP, in accordance with Paragraph 22 of the Agreement, TAI has 60 days to obtain the necessary sampling permits. Should the full 60 days be required this would, for all intents and purposes, eliminate the possibility of a 2012 field sampling season.

TAI will continue to respect and honor the Agreement, is committed to completing the RI/FS under the terms and conditions of the Agreement, and will continue to work to ensure a successful 2012 field season. However, we are extremely concerned that delays by EPA are placing the 2012 field sampling season at risk. Accordingly, I ask you to take any and all steps necessary to approve the QAPP and initiate and conclude the necessary coordination activities so that we can undertake our work. If there is anything that we can do to assist in this regard, please contact me.

Sincerely,

Teck American Incorporated



David W. Godlewski

Vice President, Environment and Public Affairs

cc: Shawn Blocker – EPA, Seattle, WA
Neil Burnham - Canadian Department of Foreign Affairs and International Trade,
Ottawa, ON

References:

- U.S. Environmental Protection Agency (USEPA). 1994. Selecting and Using Reference Information in Superfund Ecological Risk Assessments. EPA-540-F-94-050. Office of Emergency and Remedial Response, U.S. Environmental Protection Agency, Washington, DC.
- USEPA. 2004. Phase 1 Sediment Sampling Approach and Rationale - Upper Columbia River CERCLA RI/FS. Prepared by CH2M Hill, Inc. and Ecology and Environment Inc. Contract No. 68-S7-04-01. Seattle, Washington. (December).
- USEPA. 2010. EPA Technical Team Level of Effort (LOE) for Investigations Designed to Evaluate Risks of Contaminants to Benthic Invertebrate Communities in the Upper Columbia River (Sediment Toxicity LOE). USEPA, Region 10, Office of Environmental Cleanup, Seattle, Washington. February 10. 32 p.